

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Notice of Non-Compliant Amendment dated May 4, 2007. Applicant herein amends the claim listing to add the cancellation of claims 1-21. Applicant submits that other than revising the listing of the claims, there are no differences between this Amendment and the Preliminary Amendment filed on April 26, 2007, and no new matter is added. For the Examiner's convenience, the substance of the Preliminary Amendment filed on April 26, 2007 is reproduced below.

This Preliminary Amendment is being filed with a Request for Continued Examination. With this Amendment, Applicant amends claims 22, 23, 26 and 27 and adds claims 28-31. No new matter is added. Therefore, claims 22-31 are all the claims currently pending in the present application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Objection of Claims

The Examiner objected to claims 22, 23, 26 and 27 because of informalities. (See pgs. 2-4 of the Final Office Action dated August 16, 2006) Applicant herein amends claims 22, 23, 26 and 27 and submits that these self-explanatory amendments obviate the objections. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the objections to claims 22, 23, 26 and 27.

II. Rejection of Claims 1-6, 11-19, 24-26, 29-31, 36-43, 45-47, 49-51, 53-55 and 57-59 Under 35 U.S.C. § 102(e)

Claims 22-27 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Woodhill et al. (U.S. Patent No. 5,649,196; hereinafter "Woodhill").

Claim 22, as herein amended, recites "[a] ... method comprising," *inter alia*, *synchronizing data records* of a plurality of disparate databases, wherein synchronizing comprises; providing a *status file* comprising *data records* reflecting contents of data records existing in at least one of the disparate databases at a time of a prior synchronization; comparing data records from at least one of a first and a second of the plurality of disparate databases to *corresponding data records of the status file* to determine whether data records of the plurality of

disparate databases have changed or been deleted since the prior synchronization or *whether there are new data records since the prior synchronization; updating the first and second databases* based on an outcome of the comparing step; and updating the data records of the status file to reflect the contents of the data records in the first and the second of the plurality of disparate databases after the disparate databases have been updated, wherein the data records of the first and the second databases are without unique identification codes.”

Applicant submits that Woodhill does not teach or suggest the above recitations of claim 22. In contrast to claim 22, Woodhill merely relates to a backup system having a remote backup file server 12 in communication with a wide area network 14. (Col. 3, lines 1-15 & FIG. 1) On page 5 of the Office Action, in rejecting claim 22, the Examiner relies on the abstract, column 4, lines 1-11, 48-61, column 6, lines 21-39, column 7, lines 9-28, column 17, lines 18-40 and Figure 5A of Woodhill as teaching all of the features of claim 22. Applicant respectfully disagrees. In rejecting claim 22, the Examiner has not clearly indicated exactly what is being relied upon in Woodhill as teaching the claimed “first and ... second of the plurality of disparate databases.” Additionally, the Examiner has not specifically indicated exactly what, in Woodhill, is being relied upon as teaching the claimed status file either. To the extent that the Examiner is suggesting that the File Database 25 and Backup Queue Database 26 correspond to the claimed “first and ... second of the plurality of disparate databases,” and that the “file block” of Woodhill corresponds to the claimed status file, Woodhill still does not teach or suggest all of the features of claim 22.

Contrary to claim 22, the cited portion of Woodhill, at best, describes a “Distributed Storage Manager program 24,” which builds a “File Database 25 [that] stores information relating to each file that has been backed up by the Distributed Storage Manager program 24.” “The Distributed Storage Manager program 24 also builds and maintains [a] Backup Queue Database 26,” which stores the files that need to be backed up. (Col. 4, lines 48-61) The cited portion of Woodhill also explains that the Backup Queue Database 26 is built by creating a Backup Queue Record 75 for each File Identification Record 34 found in the File Database 25 “[i]n this way,” Woodhill explains that a determination as to which list of files needs to be backed up can be made. (Col. 5, lines 12-20) Additionally, the cited portion of Woodhill describes that the program 24 scans all disk drives on the computer 20 and returns to the program

24 file block information. Woodhill also describes a file block for each file stored of the system, disclosed therein, which includes information such as size, creation date and time, modify date and time, access date and time and file attributes. The program 24 determines whether a Backup Queue record 75 exists for a "file by comparing the files file block information to the information stored in the Backup Queue Database 26." If the program determines that a Backup Queue Record 75 exists in the Backup Queue Database 26 for a located file, the program 24 determines whether any change has been made to the file. This determination is made by comparing the information in the file's file block with the information stored in the file's Backup Queue Record 75. If any of the values have changed, the program continues so that a File Status field 82 is set to "MODIFIED" and the fields in the Backup Queue Record 75 are updated from the file's file block information. If the determination is made that no change has been made to the file, then the Backup Queue Record 75 is deleted from the Backup Queue Database 26. In this regard, the cited portion of Woodhill further explains that the Backup Queue Records 75 in the Backup Queue Database 26 "represent all of the files that must be backed up by the Distributed Storage Manager program 24." (Col. 6, lines 3-49)

As an initial matter, as noted above, Woodhill, at best, relates to a backup system and nowhere in the Woodhill, and the Examiner cites to none, is there any teaching or suggestion relating to *synchronizing data records of a plurality of disparate databases*, as claimed. Rather, Woodhill, at best, explains that a Backup Queue Database, i.e., a single database, is updated based on files contained in disk drives 19 on the local computer 20. Additionally, in view of the foregoing, the cited portions of Woodhill, at best, discloses that Backup Queue Records 75 stored in Backup Queue Database 26 and compared to the file block represent all of the files to be backed up in the Backup Queue Database 26. Nowhere, however, in the cited portion or any other portion, of Woodhill, is there any teaching or suggestion relating to a second database such as the File Database 25 being backed up or updated based on a comparison to the "file block" (to the extent the Examiner is suggesting that the "file block" corresponds to the claimed status file) or any other file, as required by claim 22. As such, Woodhill fails to teach or suggest at least "comparing data records from at least one of a first and a second of the plurality of disparate databases to *corresponding data records of the status file* to determine whether data records of the plurality of disparate databases have changed or been deleted since the prior synchronization

or whether there are new data records since the prior synchronization,” as required by claim 22. Additionally, since Woodhill, at best, discloses updating a single backup database such as Backup Queue Database 26 based on information in the “file block,” Woodhill also fails to teach or suggest “updating *the first and second databases* based on an outcome” of a comparison, as required by claim 22 and nowhere in Woodhill is there any teaching or suggestion relating to updating data records of the file block to reflect the contents of the data records from the Backup Queue Database 26 and the File Database 25 after Database 26 and Database 25 have been updated, as required by claim 22. As such, Woodhill also fails to teach or suggest “updating the data records of the status file to reflect the contents of the data records in the first and the second of the plurality of disparate databases after the disparate databases have been updated,” as required by claim 22.

Nowhere in the cited portion, or any other portion of Woodhill, is there any teaching or suggestion relating to updating data records of any file to reflect the contents of the data records of two databases such as Backup Queue Database 26 and File Database 26 after the Backup Queue Database and the File Database have been updated as required by claim 22. The interrelationship of claim elements is simply not met by Woodhill. To the extent that the Examiner persists in this rejection, Applicant respectfully requests the Examiner to specifically point out what is being relied upon as disclosing the claimed status file.

Based on at least the foregoing reasons, Applicant submits that Woodhill does not teach or suggest all of the features of claim 22. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 102(e) rejection of claim 22 and its dependent claims 24, 26, and 27.

Since claim 23 contains features that are analogous to, though not necessarily coextensive with, the features recited in claim 22, Applicant respectfully submits that claim 23 and its dependent claims 24, 25, 26 and 27 are patentable at least for reasons analogous to those submitted for claim 22.

III. New Claims

Applicant has herein added new claims 28-31 in order to more fully cover various aspects of Applicant's invention as disclosed in the specification. In addition to their respective

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dependencies from claims 22 and 23, Applicant respectfully submits that claims 28-31 should be allowable because the cited combination of references do not teach or suggest the recitations of these claims.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Abel Jalil is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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